

HOME RULE CHARTER CITY OF LAKE WORTH

PREAMBLE

We, the citizens of Lake Worth, Texas, in order to establish a home rule municipal government, provide for the future progress of our City and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the Statutes of the State of Texas; and do hereby declare the residents of the City of Lake Worth in Tarrant County, Texas, living within the legally established boundaries of said City, to be a political subdivision of the State of Texas, incorporated forever under the name and style of the "City of Lake Worth" with such powers, rights and duties as are herein provided.

ARTICLE I BOUNDARIES AND ANNEXATION

SECTION 1.01 BOUNDARIES

(a) The boundaries of the City of Lake Worth shall be those of the City of Lake Worth as of the first day of February, 2003 and shall remain in effect until changed.

(b) The boundaries and limits of the City shall be those established and described on an official map duly adopted by the City Council by ordinance and amended from time to time to include annexations and disannexations from the corporate limits. The City Secretary shall at all times keep a correct and complete description and official map on file, with recent annexations and disannexations.

SECTION 1.02 ANNEXATION BY CITY COUNCIL

The Council shall have the power, by ordinance, to fix the boundaries of the City and to provide for the alteration or extension of said boundaries, pursuant to any laws of the State of Texas now or hereinafter enacted, with or without the consent of the owners or inhabitants of such territory.

SECTION 1.03 ANNEXATION REQUIREMENTS

The annexation ordinance shall describe the territory to be annexed. Notice shall be published and public hearing held as required by State law. Amendments not enlarging or extending the boundaries set forth in the proposed ordinance may be incorporated into the proposed ordinance without the necessity of republication of said notice. The additional territory annexed shall be part of the City and the property situated therein shall bear its pro-rata part of the taxes levied by the City as provided by State law. The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

SECTION 1.04 DISANNEXATION

The Council may, by ordinance, disannex any territory within the corporate boundaries of the City, if the Council determines that the territory is not necessary or suitable for City purposes. When the disannexation ordinance is passed, the disannexed territory shall cease to be part of the City; but the disannexed territory shall remain liable for its pro-rata share of any indebtedness incurred while the area was part of the City and the City shall continue to levy, assess, and collect taxes on the property in the disannexed territory until such indebtedness has been paid. The Council shall further have the power to exchange territory within the corporate boundaries or extraterritorial jurisdiction of the City with other municipalities.

SECTION 1.05 PLATTING

Should any property situated within the corporate limits or extraterritorial jurisdiction of the City, as herein established or as may hereafter be established, be hereafter platted in blocks and lots, the owner or owners of said property shall comply with all provisions of the ordinances, rules and regulations of the City, and all provisions of the applicable State laws.

ARTICLE II POWERS

SECTION 2.01 GENERAL

The City of Lake Worth, made a body politic and corporate by the adoption of this Charter, shall have and may exercise all the powers, functions, rights, privileges and immunities of every name and nature whatsoever now or hereafter granted to municipal corporations and to cities by the Constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers, functions, rights, privileges and immunities granted.

SECTION 2.02 GENERAL POWERS ADOPTED

The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Lake Worth shall have, and may exercise, all powers of local self-government, and all other powers which under the Constitution and laws of the State of Texas, it would be competent for this Charter specifically to enumerate.

SECTION 2.03 POWERS OF THE CITY COUNCIL

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the City Council by State law; provided, however, that the City Council shall have no authority to exercise those powers which are expressly conferred upon other City officers by this Charter. Without limitation of the foregoing and among the other powers that may be exercised by the Council, the following are hereby enumerated for greater certainty:

1. Abolish or consolidate such offices, departments, and agencies of the City government as it may deem to be to the best interest of the City, and may divide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any offices or departments at its discretion, except those specifically established by this Charter.
2. Adopt the budget of the City.
3. Authorize the issuance of bonds by a bond ordinance.
4. Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
5. Establish operating policy.
6. Establish the boundaries of the City.

ARTICLE III CITY COUNCIL

SECTION 3.01 NUMBER, SELECTION AND TERM

The legislative and governing body of the City shall consist of a Mayor and seven (7) Council members and shall be known as the "Council of the City of Lake Worth".

- a. The Mayor shall be elected at large by the highest number of votes of the qualified voters voting at the election.
- b. The seven (7) Council members shall be elected to individual places, designated by number, from the City at large and each shall be elected by the highest number of votes of the qualified voters voting at the election.
- c. The Mayor and each Council member shall hold his or her office for a period of two (2) years and until his or her successor is duly elected and qualified.
- d. In each odd numbered year the Mayor and City Council members for Places 2, 4 and 6 shall be elected. In each even numbered year the City Council members for Places 1, 3, 5, and 7 shall be elected.

SECTION 3.02 QUALIFICATIONS

Each of the seven (7) Council members and the Mayor shall meet the following qualifications: (1) Be a registered voter of the City; (2) Have resided in the City for at least twelve (12) months preceding the election at which they are candidates; (3) Continue residency in the City during the term of office; (4) Not hold more than one public elective office; (5) Not hold an appointed office of the City excluding boards, committees, and commissions; (6) Be at least 21 years of age; (7) Not have been determined mentally incompetent by a final judgment of a court; and (8) Not have been convicted, whether final for appeal purposes or not, of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities. A member of the Council ceasing to possess any of the qualifications specified in this section or any other section of this Charter, or convicted of a felony while in office, shall immediately forfeit the member's office.

SECTION 3.03 ELIGIBILITY

Neither the Mayor, nor any Council member, shall hold any other public office of emolument.

SECTION 3.04 COUNCIL JUDGE OF ELECTION OF MEMBER

The City Council shall determine the qualifications of its own members and of the Mayor, subject to review of the Courts in case of contest. The City Council shall either at a called meeting called for that purpose or at its next regular meeting date of said Council, after each regular or special election, canvass the returns and declare the results of such election in accordance with State law.

SECTION 3.05 COMPENSATION

The Mayor and the members of the Council shall serve without pay or compensation; provided, however, that they shall be entitled to reimbursement for expenses as follows:

(a) Council members other than the Mayor shall receive \$25.00 per month as reimbursement for routine expenses, and additionally shall receive full reimbursement of all expenses incurred in the performance of their duties (such as seminar and travel expenses) which are documented in writing; and

(b) The Mayor shall receive \$50.00 per month as reimbursement for routine expenses, and additionally shall receive full reimbursement of all expenses incurred in the performance of his or her duties (such as seminar and travel expenses) which are documented in writing.

(c) Travel expense reimbursement pursuant to this Section shall be allowed for travel outside of Tarrant County, Texas (no travel expense shall be permitted for travel within Tarrant County, Texas).

SECTION 3.06 VACANCIES

In the event there is one vacancy on the council or in the office of Mayor, the council may call a special election to be held in accordance with state law or by the vote of three-fourths of all remaining members, appoint a qualified person to fill the vacancy. In the event there is more than one vacancy, the council shall call a special election to be held in accordance with state law, unless appointment is required to achieve a quorum.

SECTION 3.07 NUMBER OF MEETINGS

The City Council shall hold one (1) regular meeting per month and so many special meetings as the Council may deem necessary.

SECTION 3.08 QUORUM

A quorum at any Council meeting will be established by the presence of at least four (4) members. The Mayor's presence shall not be counted toward a quorum.

SECTION 3.09 MAYOR PRO-TEM

The Mayor Pro-Tem shall be elected each year after the regular Council election by the Council from among the members of the Council and the Mayor Pro-Tem shall perform all duties of the Mayor in case of the Mayor's absence or disability.

SECTION 3.10 THE MAYOR

The Mayor shall preside at all Council meetings and may participate in the discussion of all matters coming before the Council. The Mayor shall not be entitled to vote as a member thereof, on Legislative or other matters, except in case of a tie, when the Mayor shall have the right to cast the deciding vote.

SECTION 3.11 ABSENTEEISM

A Council member shall forfeit office if (1) the member fails to attend three (3) consecutive regular meeting unless the absence is caused by illness or by the illness of a family member; or (2) fails to maintain a seventy-five percent (75%) attendance record, unless an absence is caused by illness or by the illness of a family member, for each elected year, including all scheduled budget and special meetings. Upon a forfeiture of office as provided herein, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.

ARTICLE IV NOMINATIONS AND ELECTIONS

SECTION 4.01 ELECTIONS

The regular City election shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the Charter and ordinances or resolutions adopted by the Council for the conduct of elections. Officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such election. The City Council may, by resolution or ordinance, order a special election, fix the time and place for holding same and provide all means for holding such special election, in accordance with State law.

SECTION 4.02 FILING FOR OFFICE/PROCEDURES

(a) Each candidate for an elective office shall meet the qualifications set forth in Section 3.02.

(b) Any person so qualified who desires to become a candidate for election shall file an application with the City Secretary, in accordance with the Texas Election Code.

SECTION 4.03 THE OFFICIAL BALLOT

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order

determined in a drawing of lots conducted by the City Secretary in accordance with State Law. Each candidate shall be given notice of the time and place of the drawing.

SECTION 4.04 LAWS GOVERNING CITY ELECTIONS

All city elections shall be governed, except as otherwise provided by this Charter, by the laws of the State of Texas governing general and municipal elections.

SECTION 4.05 CONDUCTING AND CANVASSING ELECTIONS

The election judges and other necessary election officials for conducting all such elections shall be appointed by the City Council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. The City Council shall meet in an open meeting to canvass and officially declare the results of the election as to candidates and questions, and issue certificates of election to candidates elected as provided by State law.

SECTION 4.06 OATH OF OFFICE

Every officer of the City, whether elected or appointed, before entering upon the duties of the officer's office, shall take the oath of office prescribed by the Texas Constitution.

ARTICLE V FINANCE

SECTION 5.01 BUDGET

The City Council shall adopt a budget for each fiscal year.

(a) The fiscal year shall begin on the first day of October and end on the last day of the following September.

(b) The City Manager shall submit to the City Council a balanced budget for the ensuing fiscal year designed to meet the goals and objectives of the City Council and provide a budget message as prescribed by State Law.

(c) The budget shall contain the following:

(1) Comparative figures for the estimated income and expenditures for the ensuing fiscal year compared to the combination of: Actual income and expenditures through the latest complete accounting period that information is available for at the commencement of budget preparation, and the estimated income and expenditures for the incomplete portion of the current fiscal year.

(2) The proposed expenditures of each office, department, or function.

(3) A schedule showing the debt service requirement due on all outstanding indebtedness and on any proposed debt.

(4) The source or basis of the estimates.

(5) The total of the proposed expenditures which shall not exceed the total estimated income and the balance of available funds.

(6) Such other information as may be required by the Council or deemed desirable by the City Manager.

(d) The Council shall hold one or more public hearings, as prescribed by State Law, on the proposed budget prior to the final adoption.

(e) During the fiscal year, the City Council shall have the power to make budget adjustments. Expenditures that could not, by reasonable thought and attention, have been included in the original budget, may be authorized by the City Council. All such authorizations by the City Council shall be filed as amendments to the original budget, including the reasons for such amendments.

(f) Defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not invalidate any tax levy, nor shall it invalidate the tax roll.

SECTION 5.02 FAILURE TO ADOPT A BUDGET

If the Council fails to adopt the budget by the beginning of the fiscal year, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis with all items in it pro-rated accordingly until such time as the Council adopts a budget for the ensuing fiscal year.

SECTION 5.03 ANNUAL AUDIT

The City Council shall conduct an independent annual audit of all accounts and other financial records of the City as prescribed by State Law. The personnel of the firm conducting the audit shall not hold any public office in the City nor have any personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. After completion of any audit of the City, the auditor shall prepare a report, and shall submit the report to the City Council, within the timeframe required by state law. The City shall provide copies of the audit report to the public upon request for the same fee charged to those seeking copies of documents under the Texas Public Information Act.

SECTION 5.04 AUTHORITY TO INCUR INDEBTEDNESS

The City Council shall have the power to incur, create, refund and refinance indebtedness and borrow money for public purposes; to issue special or general obligation bonds, revenue bonds, funding and refunding bonds, tax anticipation notes, time warrants, certificates of obligation and other evidences of indebtedness and to secure and pay the same in the manner and in accordance with the procedures provided and required by State law.

SECTION 5.05 MUNICIPAL TAXES

All taxes due the City shall be payable at the office of the Tax Collector, who shall be designated by the Council, and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be no later than October 1st. Taxes shall be paid on or before January 31st, of each year following the year for which the taxes are levied, and all such taxes not paid on or prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as prescribed by State Law. The Council may provide further by ordinance all taxes, whether current or delinquent, due the city may be paid by installments. Failure to levy and assess taxes through omission, in preparation of the approved tax roll, shall not relieve the person, firm, or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipt for the years in question.

SECTION 5.06 POWER TO TAX

The Council shall have the power to levy, assess, and collect taxes on property within the territory of the City for any municipal purpose.

SECTION 5.07 APPRAISAL AND ASSESSMENT OF REAL PROPERTY

All taxable property situated within the corporate limits of the City on the first day of January of each year, not expressly exempted by law, shall be subject to yearly taxation by the City. As prescribed by State Law, the assessed value of such property shall be One Hundred (100) percent of its appraised value on January 1 as determined by the Tarrant Appraisal District or its successor.

SECTION 5.08 TAX RATE

The tax rate shall be calculated, publicized and adopted in accordance with State law.

SECTION 5.09 TAX EXEMPTIONS AND ABATEMENTS

(a) The City Council may pass, by ordinance, exemptions and abatements as provided by State Law. Exemptions and abatements shall include, but not be limited to, over 65 exemptions, disabled exemptions, and abatements.

(b) The Tarrant Appraisal District shall prescribe the method and manner in which such exemptions may be secured by qualified property owner(s) according to State Law.

SECTION 5.10 TAX PAYMENTS

All taxes due the City shall be payable in legal tender to the City or its agent, and shall become due and payable upon receipt of the tax bill. Such taxes shall be delinquent if not paid before February 1 of the year following the year in which imposed. The interest and penalty on delinquent taxes shall be assessed as provided by State Law.

SECTION 5.11 TAX LIENS AND LIABILITY

On January 1 of each year, a tax lien in favor of the City attaches to property to secure the payment of all taxes, penalties, and interest ultimately imposed for the year on that property, whether or not the taxes are imposed in the year the lien attaches. The lien shall have priority over all other claims except as provided by law. In addition to the lien herein provided, the owner of the property subject to taxation by the City shall be personally liable for the taxes due thereon for such year.

SECTION 5.12 OTHER RULES AND REGULATIONS

Except as otherwise provided by law or this Charter, the City Council shall have the power to provide by ordinance such rules, regulations and procedures to enforce and facilitate the collection by and payment to the Tax Collector of all taxes due the City as it may deem expedient, and may provide such penalty and interest as prescribed by State law for the failure to pay such taxes.

ARTICLE VI RECALL OF OFFICERS

SECTION 6.01 SCOPE OF RECALL

Any City official, elected by the people, shall be subject to recall and removal from office by the qualified voters of the City on grounds of incompetence, misconduct, or malfeasance in office.

SECTION 6.02 PETITION FOR RECALL

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such questions to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least 25% of the number of votes cast at the last regular municipal election of the City, but in no event less than 250 such petitioners. Each signer of such recall petition shall personally sign the signer's name thereto in ink or indelible pencil, and shall write after the signer's name the signer's place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year the signer's signature was affixed. The petitioner's shall designate one contact person for communication with the City and to receive all notices.

SECTION 6.03 FORM OF RECALL PETITION

The recall petition mentioned above must be addressed to the City Council of the City of Lake Worth, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated and whether such ground or grounds are deemed to constitute incompetence, misconduct, or malfeasance in office, and shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which the officer is charged. The signature shall be verified by oath in the following form:

“STATE OF TEXAS)
COUNTY OF TARRANT”)

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I do solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Signature

Mailing Address:

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public in and for
Tarrant County, Texas

SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signature thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next section of this article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signature to such petition shall remain effective or be counted which was placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice via certified mail to the officer’s mailing address.

SECTION 6.05 PROCEDURE AFTER FILING PETITION FOR RECALL

(a) Review by City Secretary. Upon the filing of a petition, the City Secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter and State law. The City Secretary shall also review the petition to determine the genuineness of the signatures.

(b) Within ten (10) business days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the contact person for the petitioner’s by certified mail as indicated in the oath for the petition.

(c) If a petition is certified sufficient and in compliance with the terms of this Charter and State law, the City Secretary shall immediately notify the Council member whose removal is sought and provide the Council member with a copy of the petition.

SECTION 6.06 PRESENTATION OF PETITION TO CITY COUNCIL

Within five (5) business days after the date of certifying the petition as sufficient,, the person performing the duties of the City Secretary shall present such petition to the City Council of the City of Lake Worth at a regular meeting or special meeting called for that purpose.

SECTION 6.07 OPEN MEETING TO BE HELD

The officer whose removal is sought may, within five (5) business days after such recall petition has been presented to the City Council, request an opportunity to appear before the City Council at a meeting to be held in accordance with the Texas Open Meetings Act or successor law, to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall hold said meeting not less than five (5) business days nor more than fifteen (15) business days after receiving the request for an open meeting.

SECTION 6.08 ELECTION TO BE CALLED

If the officer whose removal is sought does not resign within seven business (7) days after the certified petition is presented to the Council or the date of the open meeting whichever occurs later, the City Council, at its next regular meeting or at a specially called meeting, shall order a recall election to be held on the first uniform election date occurring on or after the 35th day after the date the election is ordered.

SECTION 6.09 BALLOTS IN RECALL ELECTION

Ballots used at recall elections shall conform to the following requirements:

(a) With respect to each person whose removal is sought, the questions shall be submitted:

“Shall (Name of Person) be removed from the office of (Name of Office) by recall?”

(b) Immediately to the left of each such question there shall be printed the following words, one above the other, in the order indicated:

“YES”

“NO”

SECTION 6.10 RESULT OF RECALL ELECTION

If a majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, the officer shall continue in office for the remainder of the officer’s unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the person named on the ballot, the officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall

be filled as vacancies in the City Council are filled.

SECTION 6.11 RECALL, RESTRICTION THEREON

No recall petition shall be filed against any officer of the City of Lake Worth within six (6) months after the officer's election, nor within six (6) months after an election for such officer's recall.

SECTION 6.12 FAILURE OF CITY COUNCIL TO ACT

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

ARTICLE VII FRANCHISE AND PUBLIC UTILITIES

SECTION 7.01 POWERS OF THE CITY

In addition to the City's power to buy, own, construct, maintain, and operate utilities, within or without the city limits, and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the City shall have further powers as may now or hereafter be granted under the constitution and laws of the State of Texas.

SECTION 7.02 INALIENABILITY OF CONTROL OF PUBLIC PROPERTY

The sole right of control, easement, use, ownership of and title to the public streets, sidewalks, highways, bridges, alleys, public places, and other real property of the City is hereby declared to be inalienable, except by ordinance adopted by a majority of the City Council.

SECTION 7.03 FRANCHISE: POWER OF CITY COUNCIL

The City Council shall have power to grant, amend, renew or extend by ordinance all franchises of all public utilities of every character operating within the City of Lake Worth, and for such purposes is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be voted on at two separate regular meetings of the City council and shall not be finally passed until at least fifteen (15) days after the first reading; and no such ordinance shall take effect until thirty (30) days after its final passage; and pending such time, the full text of such ordinance shall be posted on the bulletin board at the City Hall of the City of Lake Worth, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the

City of Lake Worth and except upon approval of an ordinance by the Council in accordance with this Section.

SECTION 7.04 FRANCHISE VALUE NOT TO BE ALLOWED

In fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, the value of any franchise granted by the City under this Charter shall not be considered.

SECTION 7.05 RIGHT OF REGULATION

(A) All grants, renewals, extensions, or amendments of public utility or other franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City:

(1) To repeal the same ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.

(2) To require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public.

(3) To establish reasonable standards of service and quality of products and prevent discrimination in service or rates.

(4) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.

(B) Whether or not it is stated in the franchise ordinance, the franchisee shall restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair, or removal. The franchise holder, in operating and refilling of all earth openings, shall re-lay the pavement and do all other work necessary to complete restoration of streets, sidewalks or grounds to a condition equally as good or better as when disturbed.

SECTION 7.06 EXTENSIONS

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 7.05. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

SECTION 7.07 OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except in the general power of the City heretofore existing and herein provided for the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at standards required to adequately serve the public. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article, whether or not such terms are specifically mentioned in the franchises. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the Council or the electors of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the State of Texas.

SECTION 7.08 EXCLUSIVENESS OF FRANCHISES

No grant or franchise to construct, maintain, or operate a public utility and no renewal or extension of such grant shall be exclusive.

SECTION 7.09 REGULATION OF RATES AND SERVICE

The City Council shall have full power, after due notice and hearing, to regulate by ordinance the rates and service of every public utility operating in the City, and in this connection, the City shall have such regulatory powers as may now or hereafter be granted under the Constitution and laws of the State of Texas.

SECTION 7.10 RECORDS AND ACCOUNTS

The City Council shall periodically examine, and may, if deemed appropriate, request and audit the records of all franchise holders and municipally owned public utilities. The City Council shall also demand that all franchise holders and municipally owned public utilities keep a standard system of accounting and furnish reports on the local operations of the utility. Such reports shall be prepared in such form and contain such information as the City Council shall prescribe.

ARTICLE VIII ADMINISTRATION

SECTION 8.01 CITY MANAGER

(a) The City Council shall appoint a City Manager, who shall be the chief administrative officer of the City. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the City and shall perform such other duties as the City Council shall assign to the City Manager, and those elsewhere provided for in this Charter. The City Manager may appoint an Assistant City Manager to act on the City

Manager's behalf.

(b) The City Manager shall be the chief administrative officer and head of the administrative branch of the City. The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City and to that end shall have the power and be required to:

(1) In cooperation with the City Attorney, to see that all State laws and City ordinances are effectively enforced.

(2) Appoint, suspend and/or remove all or any one of the heads of departments and all subordinate officers and employees of the City.

(3) Exercise control over all departments and subdivisions thereof created by this Charter, or that may hereafter be created by the Council, except as hereinafter provided.

(4) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as may be necessary to enforce the same.

(5) Attend all meetings of the Council except when excused by the Council.

(6) Prepare a proposed budget annually and submit it to the Council each year.

(7) Administer the budget of the City.

(8) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(9) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to the City Manager advisable.

(10) Prepare personnel rules subject to the approval of the Council.

(11) Execute contracts, deeds, conveyances, and other legal documents approved by the Council.

(12) Perform such other duties as may be prescribed by this Charter or required of the City Manager by the Council.

SECTION 8.02 CITY SECRETARY

The City Secretary shall be the clerical officer of the City Council, and shall keep the minutes, agendas, ordinances, attendance records, and other official records of the City Council and the City. The City Secretary shall be the custodian of the official seal of the City,

and shall have such other duties and powers prescribed in this Charter and by the City Council.

SECTION 8.03 CITY ATTORNEY

The City Council shall appoint a competent and duly licensed Attorney practicing law in Tarrant County, Texas, who shall be the City Attorney. The City Attorney shall receive for the City Attorney's services such compensation as may be fixed by the City Council and shall hold the City Attorney's office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Council, shall represent the City in all litigation and other legal matters involving the City. The City Attorney shall be the legal advisor of, and attorney and Counsel for, the City and all departments thereof.

SECTION 8.04 SPECIAL COUNSEL

The City Council shall have the authority to retain special counsel for specific purposes.

SECTION 8.05 MUNICIPAL COURT OF RECORD

There shall be established and maintained a court, designated as the municipal court of record of the City of Lake Worth for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by laws of the State of Texas relative to municipal courts.

SECTION 8.06 JUDGE OF THE MUNICIPAL COURT

The judge of the municipal court shall be appointed by the City Council for a term of two years. The judge shall be a resident of this state, a citizen of the United States, and an attorney in good standing licensed to practice in the State of Texas, with two or more years experience in the practice of law in this State. The Council shall fix the compensation for the judge in accordance with State law and such compensation shall never be based on the fines assessed or collected. Removal of the judge shall be at the discretion of the Council by a majority vote of the City Council taken after an opportunity for a public hearing.

SECTION 8.07 ABSENCE OF JUDGE

The Council may appoint one or more alternate Judge(s) who shall have the same qualifications of Municipal Judge and who shall receive such salary as may be fixed by the Council. In case of the temporary disability or absence of the Judge of the Municipal Court, the alternate Judge(s) shall have authority to act as Judge of said court. The Council shall by appointment fill a vacancy in the office of the Judge for the remainder of the unexpired term.

SECTION 8.08 MUNICIPAL COURT CLERK/COORDINATOR

There shall be a Municipal Court Coordinator appointed by the City Manager. The Municipal Court Coordinator, and such deputies as the coordinator may appoint, shall act as Municipal Clerk and shall have the power to administer oaths and affidavits, make certificates, affix the

seal of the court thereto and generally do and perform any and all acts usual and necessary performed by clerks and deputies of municipal courts.

ARTICLE IX MISCELLANEOUS PROVISIONS

SECTION 9.01 NEPOTISM

No person related within the second degree by affinity or within the third degree by consanguinity, to the Mayor, or to any member of the City Council or to the City Manager, shall be appointed to any paid office, position, clerkship or service of the City.

SECTION 9.02 INDEMNIFICATION OF OFFICERS

The Council may by appropriate ordinance, provide for the indemnification and defense of the officers and employees of the City, including members of the Council, or any board, commission, or committee, including volunteers, against any loss, cost, or expense, including court costs and attorneys' fees, to the extent allowed by law, arising out of any claim, suit, or judgment, or settlement thereof, resulting from any alleged negligent act or omission of such officer, employee, member, or volunteer during the discharge of his or her duties and within the scope of his or her office, employment, membership, or assigned voluntary position with the City, or in any other case where the City is directed or authorized by law to do so, provided however, that such indemnification will not be provided for any act arising out of the intentional or knowing violation of any penal statute or ordinance arising out of any conduct determined by final judgment to be an act of fraud or to have been taken with the intent to deceive or defraud, or for any personal or private business of such officer, employee, member or volunteer, or for the gross negligence or official misconduct, or willful or wrongful act or omission of such officer, employee, member or volunteer.

SECTION 9.03 PRESERVATION OF CONTRACT RIGHTS

All contracts entered into by the City of Lake Worth or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. All rights, immunities, powers, privileges and franchises now possessed by said City shall also continue in full force and effect.

SECTION 9.04 PARTIAL INVALIDITY

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 9.05 AMENDMENT OF CHARTER

The City Manager shall, at least once every five (5) years, review the Charter and make recommendations to the City Council for proposed Charter amendments, if any.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by State law.

SECTION 9.06 CONSTRUCTION

The use of the singular number includes the plural, and the plural the singular, words used in the masculine gender include the feminine also, and reference to the City Council or Council member shall include the Mayor, unless by reasonable construction, it appears that such was not the intention of the language of this Charter. All references to State law, or the laws of the State of Texas, however expressed, shall mean as presently enacted or hereinafter enacted or amended.

SECTION 9.07 PRESENT ORDINANCES

All ordinances of the City of Lake Worth now in existence and not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council. If parts of ordinances now in existence are inconsistent with the provisions of this Charter, then such parts are hereby repealed, but the remaining parts of such ordinances shall remain in full force and effect until altered, amended or repealed by the City Council.

SECTION 9.08 SPECIAL PROVISION COVERING DAMAGE SUITS

Before the City shall be liable for a claim or suit for personal injury or damage to property, the person who is injured or whose property is damaged, or someone on the person's behalf, shall give the City Manager or the City Manager's designee notice in writing duly verified within thirty (30) days after the occurring of the alleged injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses and upon whose testimony such person is relying to establish the injury or damage. No action at law shall be brought against the City for personal injury or damage to property prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the City Manager or the City Manager's designee.

SECTION 9.09 WHEN GENERAL LAW APPLICABLE

The general laws of the State of Texas and ordinances of the Council shall furnish the authority for the power and exercise thereof and control all matters to the extent not specifically and completely covered by this Charter. In the event that City Charter and State Law conflict, State Law provisions shall supersede with the exception of when there is a more restrictive timeline and/or guideline.

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